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AN
APOLOGY
FOR THE
ARMY.

Touching the eight
Quæres, &c.



LONDON,

Printed in the Yeare

1648.

AN
P O L O G Y
FOR THE

Y. M. Y.

onching the eight

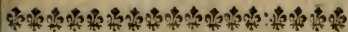
Guests &c.



LODYDE

Printed in the Year

1843



A N
A P O L O G Y
FOR THE
ARMY.

THese Treasonable and insolent *Queries* make the Army the houses Subjects, and not the Kings. *None by the Lawes of this Land can in this Kingdome have an Army but his Majesty.*

Bracton, fol.
118.
Stamford,
fol 2. 2

It appeares, the Army doth now evidently perceive, that they were mis-led by the specious pretences of *Salus Populi*, the maintenance of the Kings Honour, and of the maintenance of the Lawes of the Land, and Liberties of the Subject, to take up Armes against their naturall Liege Lord and Sovereigne the King: the people is the Body, the King is the Head, Was the Body safe when the Head was distressed and imprisoned? For Lawes and Liberties, have not the prevailing party in the two Houses destroyed above an hundred Acts of Parliament, and in effect *Magna Charta*, & *Charta de Forreſta*, which are the Common lawes of the land? Doth

mag Chart.
c 1 & ult.
All the Acts
concerning
the King,
Church, and
Church men
25. Bd. 1.
cap. 1.

Excise, the Fifth and Twentieth parts, Meal-money, and many more Burdens which this Land never heard of before, maintaine the Liberties of the people? You and that party of the two Houses, made the Army by severall Declarations before Engagement, believe that you would preserve the Kings Honour and Greatnesse, the Lawes and Liberties of the people. The Army and the whole Kingdome now *facta vident*, see your Actions, and have no reason longer to believe your Oathes, Vowes, and Declarations; and since that party in the two Houses refuse to performe any thing according to their said Oaths, Vowes and Declarations, the Army and the Kingdome may and ought, both by your own principles, and the Lawes of the Land, to pursue the ends for which they were raised. And so your first *Quære* is resolved; whereby it is manifest, that specious pretences to carry on ambitious and pernicious Designs, fix not upon the Army, but upon you, and the prevailing party in both Houses.

3 PAR. INR.

f. 12. 29 Bl.

1 Iac ibi. 3

& 3. B. 6 c. 31

11 H. 7. c. 1.

The solution of the second Quære.

The Army, to their eternall honour

have freed the King from imprisonment at *Holmby*. It was High Treason

to imprison his Majesty: To free his Majesty from that imprisonment w.^s to deliver him out of traitorous hands, which was the Armies bounden duty by the Law of God and the Land. That party refused to suffer his Majesty to have two of his Chaplaines for the exercise of his Conscience, who had not taken the covenant, free access was not permitted; doth the Army use his Majesty so all men see that access to him is free, & such chaplains as his Majesty desired are now attending on his Grace: who are the guilty persons, the Army, who in this action of delivering the King, act according to law, or the said party who acted treasonably against the Law? who doth observe the Protestation better, they who imprison their King, or they who free him from prison?

That this Army was raised by the Parliament, is utterly false. The Army was raised by the two Houses upon the specious pretences of the Kings honour, common safety, and the preservation of Lawes, and Liberties; which how made good, hath been shewed before, and all the people of the Kingdome doe find by woful experience.

14, H 8, 3.

36, H 7, Dier

60.4 pars

Iestit p. 1, 3

12, 14.

16 R 2 c 1.

5 Eliz c 2

17 Carol.

The Act for
the continu-
ance of this
Parliament.

4 par instit.

p. 13

4 par instit,

p. 19

5 Eliz c, 1, 2

The two Houses are no more a Par-
liament, than a Body with out a Head
a Man. The two Houses can make a
Court without the King; they are a
Body Corporate without the King
they all, Head and Members, make
one Corporate Body. And this is
deare a Truth, that in this Parliame-
nt by the Act of 17. *Caroli* it is declare
That the Parliament shall not be dis-
solved or prorogued but by Act
Parliament. But the two Houses may
respectively adjourne themselves. The
Houses and a Parliament are several
things, *cuncta fidem vera faciunt*; and
circumstances agree to prove this true
Before the *Norman* conquest and
since to this day the King is holden
Principium, Caput, & Finis, that is, the
beginning, Head, and chiefe end
of the Parliament, as appeareth by the
Treatise of the manner of holding
Parliaments made before the *Norman*
Conquest; by the writ of Summons
of Parliament whereby the treaty at
Parler in Parliament is to be had with
the King only, by the Common Law
by the Statute-Law, by the Oath of
primacy taken at this, and every Pa-
rliament, it doth manifestly appeare
that without the KING, there can
be no colour of a Parliament.

He

How many Votes have they revoc-
 in one Session, yea, and Bills?
 is there ever the like done? Nay,
 at the constant course of Parlia-
 ments violated and made nothing
 thereby? They are guarded by armed
 men, divide the publike Mony among
 themselves, and that party endeavours
 to bring in a Forraign Power to in-
 vade this Land againe. If they be no
 Parliament, as clearly they are none
 without his Majesty, they have no pri-
 viledges, but do exercise an Arbitrary,
 tyrannicall and Treasonable power
 over the people.

By the Law of the Land, when
 Treason or Felony is committed, it
 is lawfull for every Subject, who sus-
 pects the Offendor, to apprehend him,
 and to secure him, so that Justice may
 be done upon him according to the
 Law.

7 E. 4, 20

8 E. 4, 3.

9 E. 4, 27

4 H. 7, 18

27 H. 8, 23

You say, the disobedience of the
 Army is a sad publick president, like
 to conjure up a spirit of universall
 disobedience. I pray object not that
 conjuring up to the Army, whereof you
 and the prevailing party in the houses
 are guilty, who conjured up the spirit
 of universall disobedience against his
 Majesty, your and our only Supream
 Governour, but you, and that party in

the two Houses, and even then when the House of Commons were taken and did take the said Oath of Supremacy? For the Covenant you mention it is an Oath against the Lawes of this Land, against the petition of Right devised in Scotland, wherein the first Article is to maintaine the Reformation of Religion in the Church of Scotland. And certainly there is no Subject of the English Nation doth know what the Scottish Religion is. I beleeve our Army tooke not the Covenant. No man by the Law can give an Oath of a new case without an act of Parliament; and therefore the imposers thereof are very blameable, and guilty of the highest Crime.

The Writer of these *Quæres*, seemeth to professe the Laws; Let him declare what act of Parliament doth justify the tendering, giving, or taking, of the said Oath, he knoweth there is none. He knoweth that all the parts of it are destructive of the Lawes and Government to maintaine which the Law of Nature, and the Law of this Land hath obliged them. The Oath of the Covenant makes the Houses supreme Governours in causes Ecclesiastical; the oath of Supremacy makes the King so; and yet both taken by the

same

2 par. Coll.
of Ord. pag.
803.
3 par. inst.
fol. 165.
Petition of
Right 3.
Car. 3 pars.
white 719.

the same persons, at the same time. What credit is to be given to persons who make nothing of Oathes, and contradict themselves? How doe the Covenant & the Oath of Supremacy agree? How do their protestation and the Covenant agree? How do their Declarations and Oaths agree? The Lord be mercifull to this Land for these Oaths.

It is a sad thing to consider that so many Gentlemen who profess the Lawes, and so many worthy men in both Houses should be so transported as they are, knowing that the Lawes of the Land from time to time, and in all times, are contrary to all their actions, and that they yet should amuse themselves and the people with the word Parliament without the King and with the Covenant; whereas they know they are no Parliament without His Majesty; And that English men throw out the Kingdome should swear a Covenant to preserve the reformed Religion of *Scotland*, in Doctrine, Worship, Discipline, and Government, which they do no more know than the Doctrine, Worship, Discipline and Government of *Prestor John in Ethiopia*; if they consider it they cannot but discern that this is a high desperate and impious madness.

Be wise in time : Without the King and the Lawes ; you will never have one hour of safety for your Persons Wives, Children or Estates. Be good to your selves and to your posteritie apply your selves to be capable of an Act of Oblivion , and of a General Pardon, and to be able and willing to pay the Souldiery, and to allow a reasonable liberty for mens consciences and God will blesse your endeavour and the people (to whom you are now very hatefull) will have you in better estimation.

The third Quære is thus answered.

You resemble the Army to Jack Cade and his complices, and you call the Act of Parliament of 31. Hen. cap. 1. And that it may appear who acts the part of Jack Cade , you are that party in the two Houses , or the Army, I think it necessary to set down the said Act in words at length as followeth.

First, *whereas the most abominable Tyrant, horrible, odious & arrant false Traytor Iohn Cade calling and naming himself sometime Mortimer, sometime Capt. of Kent, which name, facts and feats are to be removed out of the speech and minds of every faithful Christian man perpetually, false*

and traitterously purposing, and imagi-
 ng the perpetuall destruction of the
 Kings said person, & finall subversion
 of this Realm, taking upon him Royall
 power, and gathering to him the Kings
 people in great numbers, by false subtil
 imagined language, and seditiously ma-
 king a stirring Rebellion & Insurrecti-
 on, under colour of Justice, for reforma-
 tion of the Lawes of the said King,
 robbing, stealing & spoyling great part
 of his faithfull people. Our said Sove-
 aigne Lord the King considering the
 premises, with many other which were
 more odious to remember, by the ad-
 vice and consent of the Lords aforesaid
 & at the request of the said Commons,
 and by authority aforesaid, hath Or-
 dained and established that the said
 John Cade, shall be reputed, had, na-
 med, and declared a false Traytor to
 our Soveraigne Lord the King; and
 that all his tyranny, acts, feats and
 false opinions shall be voyded, abated,
 nulled, destroyed, and put out of re-
 membrance for ever: and that all In-
 dictments, and all things depending
 therof, had and made under to power
 of tyranny, shall be likewise voyd
 annulled, abated, repealed, and holden
 for none: and that the bloud of none
 of them be thereof defiled nor corrup-
 ted.

red, but by the Authority of the said Parliament clearly declared for ever and that all Indictments in times coming, in like case under power of Tyranny, Rebellion and Stirring had shall be of no Record nor effect but void in Law; and all the petitions delivered to the said King in his last Parliament holden at westm. Nov. 6. in the 29. of his reigne against his mind, by him not agreed, shall be taken and put in oblivion, out of remembrance, undone, voided, annulled, and destroyed for ever, as a thing purposed against God and Conscience, and against his Royall Estate and preeminence, and also dishonourable and unreasonable.

Now we are to examine who have trod in the steps of Jack Cade, you at the present prevailing party of both Houses tooke upon them, and do take all the Royall power in all things; as did Jack Cade; as appeares by the late Act; the Army do not so: They will imprison the King purpose to destroy the person (our imprisoned Kings alwayes fared so) Jack Cade did likewise purpose; The said party in the two Houses made a stirring under colour of Justice for reformation of the Lawes so did Jack Cade; The Army do not

* Edward 2.
Henry 6.
Richard 2.

ut desire that the Lawes should be observed: *Iack Cade* levied war against the King, The Army preserves Him : *Iack Cade* dyed a Declared Traytor to his Sovereign Lord the King; this Army might have lived to have the glorious true Honor of being restorers of their King.

Simon Sudbury Archbishop of *Canterbury* was murdered by *Jack Straw*.

William Laud Archbishop of *Canterbury* was likewise murdered by that

party of the two Houses, for that an Ordinance by Law cannot take away

any mans life, and his life was taken away by an Ordinance of the two

Houses, the Army had no hand in it. Many misled by *Iack Straw*, percei-

ving his Trayterous purposes, fell from him, and as that was lawfull, just,

and honourable, so it is for this Army to adhere to their naturall King,

and so endeavour to settle the Kingdome again in the just Lawes and Li-

berties thereof. *London* did then right worthily adhere to the King, and the

Laws, and not to *Iack Straw* and his specious pretences, and it is hoped

they will now so doe; By this it appeares, that the Gentlemans discourse

touching *Iack Cade*, fastens altogether on his party, and cleareth the Army.

25 Ed. 3. 4.

28 Ed. 3. 3.

Petition of
Right.

To

to the IV. which is resolved thus.

The Arreares of the Army (howbeit it is the least thing they look after) yet being not paid them, it is by the Law of the Land a sufficient cause to leave and desert that party in the Houses: a person who serves in any kind, and is not paid his Wages, the desertion of that service is warrantable by the Lawes of the Land; You say, the Houses will reforme all things when the Army doth disband. Who will believe it? Will any believe that, the setting of the Presbytery will do it? Will any believe that his Majesty will passe the propositions sent to Him to Newcastle? Will any man believe that this Kingdom will ever be quiet without his Majesty and the ancient and just Lawes; Can the Members of the Army conceive any of them to be safe in any thing without a pardon from His Majesty? Have they not seen some of their fellows hanged before their eyes for actions done as Souldiers? Shall the Kingdom have no account of the many Millions received of the publique Money, Will the Members of the Houses accuse themselves? Shall private and publique Debts be never paid? Shall the Kingdome lie ever under burthens of Oppression and Tyranny

Fitz N.B.

159.

E. 4. 206

38 H. 6. 27

23 Eliz

Dier, 936

There is no visible way to remove these Enormities, but the power of the Army.

To the V. which is solved thus.

The Kingdom hath better assurance of Reformation from the Army, than from the Houses, for that in their Military way they have been just faithful and honourable, they have kept their words; That party of the Houses have been constant to nothing but in dividing the publique Treasure among themselves, and in laying Burdens upon the people, and in breaking all the Oathes, Vowes, and promises they ever made, As the Army hath power to now adhering to the King, all the Lawes of God, Nature, and Man, are for them, their Armies are just, & blessed, & the King is bound in justice to reward his Deliverers with honour, profit, and meer Liberty of conscience.

2 & 3 E, 6
c. 2
11 H 7, c. 1.
Calvins
case 7 pars,
Cook, fol. 11

To the VI. Quære.

All the sixth Quære containes calumnies cast upon the Army, the new Elections are against all the Lawes mentioned in the Margin, and are against the Election of the Old Members, and by this it may be judged, what a House of Commons we have. By the said Lawes it appears, that

11 H 4, c. 1.
1 H, 5, c. 1.
8 H, 6, c. 7
23, H, 6, c. 1 & 3

say

any undue returne be made, the person returned is to continue a Member, the Sheriffs punishment is two hundred pounds, one to the King, and the other to the party that is duly elected. Imprisonment for a year without Bail or mainprize, and that person who unduly returned shall serve at his own charge, and have no benefit at the end of the Parliament, by the Writ *De Solutione Militum, Civium, & Burgensium Parliament*. and the trial of the facticity of the returne, is to be before the Justices of Assizes in the proper County: or by action of Debt in any Court of Record. This condemnes the Committee for undue Elections which hath been practised but of late times, for besides these Laws it is Maxime of the Common Law, a averrement is not receivable against the returne of the Sheriffe, for his Returne is upon Oath, which Oath is to be credited in that Suit wherein the Returne is made.

The said Statutes condemne Elections of such men who were not resident and dwelt in the County or Borough for which they were returned; and any abusive practise of late times to the contrary, is against the Law, and ought not to be allowed,

3 Ed 4. 20.

5 Ed 4 42.

To the VII Quære.

The *Querist* saith, that the Votes
 the Independents in the Houses
 are arbitrary, exorbitant, and irre-
 gular, and that they disposed and fin-
 ed more of the common Treasure
 than others; That whole *Quære*, I be-
 lieve is false and scandalous; and the
 author ought to make it good, or
 to undergoe the Law of *Talio*; 37. Ed. 3. c. 17
 which is to suffer such punishment
 as the King of his proof as the accused
 should in case of prooffe made.

To the VIII Quære.

This *Quære* is all minatory and
 threatening, and the contrary of every
 that is true by the deliverance of the
 King and Kingdome from the bon-
 dage of that party in the 2 Houses by
 the Army, their renown will be ever-
 lasting, they secure themselves they
 content and please the Kingdome,
 City, and Countrey as appears by
 their confluence to see his Majesty &
 the Army, & their acclamations for
 his Majesties safety and restitution; All
 which doth evidence to every one of
 the Army, how acceptable the inten-
 tions of the Army are to the people of
 this Land, who have been so long in-
 bralled.

Sir Thomas Fairfax, let your Wor-
 thiness

thincſſe remember your extraction
and your Ladyes, by the grace and fa-
vour of the Prince, to be in the rank
of Nobility, Remember what honour
and glory the preſent Age and all po-
ſterity will juſtly give to the Reſtore
of the King to his Throne, of the
Lawes to their ſtrength, and of the
afflicted people of this Land to peace.
Let the Colonels and Commanders
under You and likewise your Soldi-
ery reſt aſſured, that they ſhall not on-
ly ſhare in the renowne of this Action
but alſo ſhall have ſuch remuneration a
their haughty Courage, and ſo high
virtue doth deſerve. This his Majeſty
can and will do, the Houſes neither
will nor can; and God bleſſe you all
and proſper you.

I conclude all, as I have alwaye
done, without an Act of Oblivion
a generall pardon, the arrears of the
Souldier paid, and a regard to liber-
ty of conſcience, this Kingdome will
certainly be ruined.

Judg





